

Message Text

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PAGE 01 WELLIN 02705 050559Z

21/14

ACTION COME-00

INFO OCT-01 EA-11 IO-15 ISO-00 DRC-01 AGR-20 CEA-02

CIAE-00 DODE-00 EB-11 FRB-02 H-03 INR-10 INT-08 L-03

LAB-06 NSAE-00 NSC-10 PA-03 RSC-01 AID-20 CIEP-02

SS-15 STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SPC-03

OMB-01 /174 W

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R 050500Z OCT 73

FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC 7224

INFO USMISSION GENEVA

LIMITED OFFICIAL USE WELLINGTON 2705

E.O. 11652: N/A

TAGS: ETRD, GATT, NZ

SUBJECT: US COMPLAINT OF GNZ ARTICLE 28 VIOLATIONS

REF: A. WELLINGTON 2513; B. WELLINGTON 2306; C. STATE 122814

1. SUMMARY: COMPENSATORY OFFER TO COVER ITEMS NOTIFIED GATT DOCS. SECRET 208, 211 AND 213 AND ALSO SENSITIZED POLYESTER FILM AND ELECTRIC MOTORS AND PARTS WILL BE SUBMITTED SOON TO US MISSION GENEVA. GNZ CONTENDS UNBINDING MEANS RETURN TO RATES OF DUTY UNDER BASIC CONTRACTUAL SITUATION UNDER GATT ON APR 10, 1947. THIS APPLIES TO TARIFF ITEMS 90.23.001, WHERE MAXIMUM PREFERENCE MARGIN IS 21 1/2 PERCENT AND 39.02.089 (39.02.081) WHERE DUTY CALCULATED ON C.D.V. IS WITHIN PREFERENTIAL MARGIN OF 150 PERCENT. END SUMMARY.

2. REPLY DATED OCTOBER 3 TO EMBASSY NOTE OF JULY 12 EXPRESSES REGRET FOR DELAY IN SUBMITTING COMPENSATORY OFFER
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PAGE 02 WELLIN 02705 050559Z

FOR CONCESSIONS WITHDRAWN UNDER GATT DOCUMENTS

SECRET/208,211, AND 213 AND EXPLAINED IT DUE TO
DIFFICULTY IN DEVELOPING AN OFFER AT TIME WHEN
NEW ZEALAND'S TARIFF STRUCTURE UNDER REVIEW CONSEQUENT
TO PHASING OUR BRITISH PREFERENCES (BP'S)

3. COMPENSATORY OFFER TAKING INTO ACCOUNT US
REQUEST LIST WILL BE SUBMITTED SOON US MISSION GENEVA.
IT WILL COVER COMPENSATION FOR WITHDRAWAL OF BINDINGS
ON SENSITIZED POLYESTER FILM AND ELECTRIC MOTORS AND
PARTS - AS WELL AS THOSE NOTIFIED IN REF GATT
DOCUMENTS ABOVE.

4. IN GNZ VIEW, WITH REGARD TO PREFERENCES, ACT
OF UNBINDING MEANS RETURN TO "BASIC CONTRACTUAL
SITUATION UNDER GATT." GNZ'S POSITION THEREFORE IS
IT HAS "FULLY COMPLIED" WITH ARTICLE 1:4 OF GATT
IN CASE OF TARIFF ITEM 90.23.001 WHERE SITUATION
REVERTED TO IS THAT WHICH APPLIED APRIL 10, 1947.
DUTY RATES ON GOODS CLASSIFIED IN ABOVE ITEM ON ABOVE DATE WERE
BP 3 PERCENT, NON PREFERENTIAL 20 PERCENT PLUS SURTAX OF NINE-
FORTIETHS OF THE DUTY OR 24 1/2 PERCENT FOR EFFECTIVE MARGIN
OF 21 1/2 PERCENT. CURRENT MARGIN OF 20 PERCENT IS WITHIN MAX
MARGIN ALLOWED.

5. GNZ CONTENTION SAME FOR NZ TARIFF ITEM
39.02.089 (WHICH WAS CITED IN REF C AS 30.02.081).
ACCORDING GNZ REPLY, ADDITIONAL DUTY OF 20 PERCENT ON
FLOOR COVERINGS WITH CURRENT DOMESTIC VALUE (CDV) NOT
EXCEEDING \$2.00 PER SQUARE YARD IS IMPOSED ON
CDV ONLY AND NOT CDV PLUS DUTY. ITS
IMPORTATION THEREFORE DOES NOT IMPAIR PREFERENTIAL
MARGIN OF 15PERCENT.
VANDIVIER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 05 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973WELLIN02705
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: WELLINGTON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731046/aaaabhqh.tel
Line Count: 94
Locator: TEXT ON-LINE
Office: ACTION COME
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A. WELLINGTON 2513; B. WELLINGTON 23, 06; C. STATE 122814
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 30 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30-Nov-2001 by thigpegh>; APPROVED <21-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US COMPLAINT OF GNZ ARTICLE 28 VIOLATIONS
TAGS: ETRD, NZ, GATT
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005